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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

HOPLAND BAND OF POMO INDIANS, )  
*et al.*, )  
 Plaintiffs, )  
 v. )  
 KEN SALAZAR, Secretary of the Interior, )  
*et al.*, )  
 Defendants. )

Case No. 3:12CV556-CRB  
 Hon. Charles R. Breyer  
 Courtroom: 6, 17th Fl.  
 Hearing: N/A

ORDER TO MODIFY BRIEFING  
 SCHEDULE, RESCHEDULE CASE  
 MANAGEMENT CONFERENCE, AND  
 RESET HEARING ON THE PARTIES'  
 CROSS MOTIONS FOR SUMMARY  
 JUDGMENT

Pursuant to Civil L.R. 6-2, and for good cause shown based on the attached declaration of James D. Todd, Jr., the parties stipulate that the: (i) briefing schedule entered by the court on May 20, 2012, *see* ECF. No. 28; (ii) Case Management Conference currently set for July 20, 2012 at 10:00 a.m.; and (iii) hearing on the parties cross motions for summary judgment currently set for July 20, 2012 at 10:00 am., shall be rescheduled. Pursuant to Civil L.R. 6-2(a)(1), and in support of this stipulation, the parties state as follows:

- 1       1. On May 20, 2012, this Court entered an order pursuant to a stipulation setting a  
2       briefing schedule in this case. *See* Order, ECF No. 28. That order provided for the:  
3       (a) plaintiffs to file their summary judgment motion on May 25, 2012; (b) defendants  
4       to file their opposition to plaintiffs' motion and their cross motion for summary  
5       judgment on June 15, 2012; (c) plaintiffs to file reply in support of their motion and  
6       opposition to defendants motion for summary judgment and by July 6, 2012; (d)  
7       defendants to file their reply in support of their motion by July 13, 2012; and (e) set a  
8       hearing on the parties' cross motions for July 20, 2012, at 10:00 a.m. *See id.*
- 9       2. Also on May 30, 2012, this Court entered an order rescheduling the case management  
10      conference to July 20, 2012 at 10:00 a.m.
- 11      3. Plaintiffs filed their motion for summary judgment on May 25, 2012. *See* ECF No.  
12      21. Since that time, defendants' undersigned counsel has been working diligently  
13      with defendants to prepare their combined opposition and cross motion. *See* Decl. of  
14      James D. Todd, Jr. ("Todd Decl.") [Attached as Ex. A hereto]. On June 12, 2012,  
15      however, it became clear that defendants and undersigned counsel need more time to  
16      review and analyze information that could be relevant to defendants' anticipated  
17      opposition and cross motion and fully brief the issues in this case. *Id.* ¶ \_\_.
- 18      4. On reaching this conclusion, undersigned counsel for defendants immediately  
19      contacted plaintiffs' counsel and apprised him of the situation. *Id.* ¶ \_\_. Plaintiffs'  
20      counsel graciously agreed to stipulate to an additional week for defendants to prepare  
21      and file their opposition and cross motion, modify the briefing schedule, reset the  
22      hearing date on the parties' cross motions, and reschedule the case management  
23      conference. *Id.*
- 24      5. Pursuant to Civil L.R. 6-2(a)(3), extending the time for defendants' combined  
25      opposition and cross motion will affect all other dates in the briefing schedule and  
26      date for the court's hearing on the parties' cross motions. The parties also note that  
27      this Court's calendar indicates the Judge Breyer will be unavailable July 27, 2012.  
28      *See* Calendar for Judge Breyer, Scheduling Notes, *available at*:

1 <http://www.cand.uscourts.gov/CEO/cfd.aspx?7134#Notes>. Additionally, undersigned  
2 counsel for defendants has previously scheduled a prepaid family vacation from July  
3 23, 2012 through August 10, 2012. Todd Decl. ¶ \_\_. Accordingly, the parties propose  
4 the following modified briefing schedule and hearing on the parties cross-motions:

5 (a) defendants will file their combined opposition to plaintiffs' motion for  
6 summary judgment and cross motion for summary judgment no later than June 22,  
7 2012;

8 (b) plaintiffs will file their combined reply in support of their motion and  
9 opposition to defendants' cross motion no later than July 13, 2012;

10 (c) defendants will file their reply in support of their motion no later than July 20,  
11 2012;

12 (d) this Court will hold a hearing on the parties' cross motions on September 7,  
13 2012, at 10:00 a.m.; and

14 (e) pursuant to Civil L.R. 6-2(a)(3), and in order to minimize taxpayer expense  
15 associated with the travel expenses of undersigned counsel for defendants, the parties  
16 agree to reschedule the case management conference to September 7, 2012, at 10:00  
17 a.m. The parties have confirmed that the new time is convenient for the Court's  
18 calendar.

- 19 6. Pursuant to Civil L.R. 6-2(a)(2), the parties agree that this is the first extension of  
20 time sought by defendants to this briefing schedule and the hearing on the parties  
21 cross motion for summary judgment, but the second extension sought by defendants  
22 to the case management conference. The parties further agree that this is the third  
23 extension, all for good cause shown, sought by defendants in this case.

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1 Accordingly, for good cause shown, this Court modifies the briefing schedule as reflected  
2 above, resets the hearing on the parties' cross motions for September 7, 2012: at 10:00 a.m., and  
3 reschedules the case management conference to September 7, 2012, at 10:00 a.m.

4 Respectfully Submitted,

5 s/ Lester J. Marston  
6 LESTER J. MARSTON  
7 RAPPORT AND MARSTON  
8 Attorney for Plaintiffs

9 s/ James D. Todd, Jr.  
10 JAMES D. TODD, JR.  
11 Senior Counsel  
12 U.S. DEPARTMENT OF JUSTICE  
13 Attorney for Defendants

14 Dated: June 13, 2012

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Dated: June 19, 2012

17 \_\_\_\_\_  
18 Charles R. Breyer  
19 United States District Judge

